

FIRST REGULAR SESSION

SENATE BILL NO. 394

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time February 18, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1809S.011

AN ACT

To repeal sections 338.210 and 338.260, RSMo, and to enact in lieu thereof two new sections relating to certain business names.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 338.210 and 338.260, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 338.210 and
3 338.260, to read as follows:

338.210. 1. Pharmacy refers to any location where the practice of
2 pharmacy occurs or such activities are offered or provided by a pharmacist or
3 another acting under the supervision and authority of a pharmacist, including
4 every premises or other place:

5 (1) Where the practice of pharmacy is offered or conducted;

6 (2) Where drugs, chemicals, medicines, prescriptions, or poisons are
7 compounded, prepared, dispensed or sold or offered for sale at retail;

8 (3) Where the words "pharmacist", "apothecary", "drugstore", "drugs", and
9 any other symbols, words or phrases of similar meaning or understanding are
10 used in any form to advertise retail products or services **found or used in the**
11 **practice of pharmacy**;

12 (4) Where patient records or other information is maintained for the
13 purpose of engaging or offering to engage in the practice of pharmacy or to comply
14 with any relevant laws regulating the acquisition, possession, handling, transfer,
15 sale or destruction of drugs, chemicals, medicines, prescriptions or poisons.

16 2. All activity or conduct involving the practice of pharmacy as it relates
17 to an identifiable prescription or drug order shall occur at the pharmacy location
18 where such identifiable prescription or drug order is first presented by the
19 patient or the patient's authorized agent for preparation or dispensing, unless

20 otherwise expressly authorized by the board.

21 3. The requirements set forth in subsection 2 of this section shall not be
22 construed to bar the complete transfer of an identifiable prescription or drug
23 order pursuant to a verbal request by or the written consent of the patient or the
24 patient's authorized agent.

25 4. The board is hereby authorized to enact rules waiving the requirements
26 of subsection 2 of this section and establishing such terms and conditions as it
27 deems necessary, whereby any activities related to the preparation, dispensing
28 or recording of an identifiable prescription or drug order may be shared between
29 separately licensed facilities.

30 5. If a violation of this chapter or other relevant law occurs in connection
31 with or adjunct to the preparation or dispensing of a prescription or drug order,
32 any permit holder or pharmacist-in-charge at any facility participating in the
33 preparation, dispensing, or distribution of a prescription or drug order may be
34 deemed liable for such violation.

35 6. Nothing in this section shall be construed to supersede the provisions
36 of section 197.100, RSMo.

338.260. 1. No person shall carry on, conduct or transact a business,
2 **which a reasonable person would consider to be a pharmacy**, under a
3 name which contains as part of the name the words "pharmacist", "pharmacy",
4 "apothecary", "apothecary shop", "chemist shop", "drug store", "druggist", "drugs",
5 "consultant pharmacist", or any word of similar or like import, unless the place
6 of business is supervised by a licensed pharmacist.

7 **2. Nothing in this chapter shall be construed to prevent any**
8 **person from using a historical or familial name in reference to any**
9 **building, structure, or business so long as drugs, chemicals, medicines,**
10 **prescriptions, or poisons are not compounded, prepared, dispensed or**
11 **sold, or offered for retail sale on such premises.**

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